

1. Agenda

Documents:

[20200723_CHARTER_REVIEW_COMMISSION_MEETING.PDF](#)

2. Agenda - Revised

Documents:

[20200723_REVISIED_CHARTER_REVIEW_COMMISSION.PDF](#)

3. Minutes

Documents:

[MINUTES_CHARTER_REVIEW_COMMISSION_7-23-2020.PDF](#)



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CITY HALL
62 Friend Street
Amesbury, MA 01913

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A §§18-25
Version 7.1.10

Amesbury Charter Review Commission (ACRC) Meeting

Thursday, July 23, 2020 at 7:00 PM
Virtual Meeting

NOTICE: This meeting will be conducted under the 'Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20', signed on March 12, 2020. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook Page:
www.facebook.com/AmesburyCommunityTelevision

PUBLIC PARTICIPATION: To submit a public comment, you can email the ACRC staff liaison, Paul Fahey, ahead of time at faheyp@amesburyma.gov, or submit a comment on the Facebook Live feed, by beginning your comment with PUBLIC COMMENT.

Agenda:

Call to Order/Roll Call

Review and Approval of Minutes from July 8, 2020 Meeting

Continue discussion of Collins Center Report

Other Business

Public Comment

Next Meeting Date – Wednesday, August 12, 2020

Adjournment



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20 JUL 22 AM 9:18

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The public can access this meeting by dialing in at **224-501-3412 access code: 231-781-213**

PUBLIC PARTICIPATION: To submit a public comment, you can email the ACRC staff liaison, Paul Fahey, ahead of time at faheyp@amesburyma.gov, or dial-in to the meeting to speak at 7:00 PM.

Agenda:

Call to Order/Roll Call

Public Comment

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Next Meeting Date – Wednesday, August 12, 2020

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MINUTES - Amesbury Charter Review Commission (ACRC)

Thursday, July 23, 2020, 7:00pm, Virtual Meeting (via GTM and ACTV)

COMMISSIONERS IN ATTENDANCE

Rob Chamberlain

Peter Frey

Bonnijo Kitchin

Jonathan Sherwood

Christian Scorzoni

ABSENT

Kate Currie

Nick Wheeler

OTHERS IN ATTENDANCE

Paul Fahey, Chief of Staff, Office of the Mayor (Staff Liaison)

Steve Stanganelli, 12 Amidon Avenue, Caller for Public Comment

CALL TO ORDER/ROLL CALL Vice Chair, Jonathan Sherwood called to order at 7:10 with quorum of 5 members. All Commissioners except Kate Currie and Nick Wheeler are present.

PUBLIC COMMENT Steve Stanganelli, 12 Amidon Ave, 7:22 PM: Encourage the charter review commission to examine the ability for non-binding advisory votes from the public to take place. It would be helpful to have the opportunity for non-binding, but advisory questions put on a ballot. There have been issues in the past where decisions are made by small groups of people, and having information from the public would be helpful. Examples provided were grade configuration and school site location.

Steve Stanganelli, 7:23 PM: The term voters needs to be better defined for filling of vacancies. Legal counsel has given feedback about not counting blank votes.

Steve Stanganelli 7:24 PM: If mayoral term is increased to four years, four-year term for at large city councilors should also be considered and two-year terms for district councilors.

REVIEW AND APPROVAL OF MINUTES Motion for approval by Christian Scorzoni, seconded by Rob Chamberlain. 5 in favor, 2 absent.

DISCUSSION OF COLLINS CENTER REPORT Paul Fahey provided comments and context for documents sent accompanying the minutes. Approved chair report and school committee comparative chart were included with the minutes from July 8, 2020.

Jonathan Sherwood referenced previous discussion about school committee chart and mentioned several topics that had previously been discussed. Information is now provided about comparable towns

for whether the mayor is on and chairs the school committee and what the terms are for school committee members. Also, data is provided regarding stipend payments for school committee members.

Chair Nick Wheeler joined the meeting at 7:15 PM.

Paul Fahey summarized the findings of the school committee comparable chart. Some blanks are on the chart for towns that did not have mayors.

Jonathan Sherwood continued the discussion with recommendations from memo prepared by Nick Wheeler.

Peter Frey pointed out that this report prepared by the chair had already been discussed and approved at the previous meeting.

Nick Wheeler in response to public comment from Steve Stanganelli, has already asked for data from the Collins Center for towns about non-binding referendums. This will be discussed at a future meeting with the Collins Center regarding Part 8. Right now, it is only possible to have such questions on regular elections in odd numbered years, but there is value to having the possibility to use this tool. Also requested language for intent on votes and ballots cast when filling vacancies. The 30% threshold gets artificially lowered by blank votes for multiple at large positions. Intent should be clarified if possible.

Nick Wheeler proposed starting discussion about the rest of the Collins Center report.

Christian Scorzoni referred to the chart prepared by the Collins Center. Amesbury is very comparable in most areas except for a stipend for the school committee is an area where we are lacking. It would be good to find out what the school committee stipend is for other communities. A recommendation for stipend amount could be made based on comparable communities.

Nick Wheeler responded that the charter lays out the framework for stipends to be created but the amount would be set by the council at a future meeting if they decide to.

Christian Scorzoni clarified that a recommended amount could be included in the Commission's report as a justification.

Peter Frey suggested we adopt the table of contents for the charter.

Nick Wheeler and Jonathan Sherwood voiced their recommendation for the inclusion of a table of contents as well.

Nick Wheeler will document smaller decisions reached today into another report that can be voted on at the next meeting.

Bonnijo Kitchin suggested the table of contents should be included at the beginning of the charter.

Jonathan Sherwood mentioned another overarching issue needing to be addressed is electronic publication of information. Asked where this topic would fall within the charter.

Nick Wheeler pointed out section 5-6 and its reference to publication of financial documents. Section 6-1 describes publication of administrative orders. Section 9-6 defines public inspection of city records. This section instructs for city clerk to provide documents to the library for public inspection.

Rob Chamberlain mentioned it is important to keep the language generic enough so there is some flexibility if changes need to be made about where the information is posted.

Christian Scorzoni provided section 3-5.c as an example of publication of documents on the city bulletin board.

Peter Frey discussed how the standard language should be included in the multiple locations in the charter where publication of records is mentioned.

Bonnijo Kitchin mentioned in 2016 there was a state change that information needed to be posted on the city website. The state wanted a consistent practice between towns and cities for where the information is posted. Records had to be maintained on the overall city's website. Wording should be consistent throughout the charter for sections regarding publication and posting of information. Clerk's office stopped sending documents to the library because they were all available on the city's website.

Rob Chamberlain asked if there is a requirement for how long records are stored.

Bonnijo Kitchin responded that the city clerk's office gets hard copies and retains these records.

Jonathan Sherwood asked if there is a requirement for articulation of what information is required to be recorded and published in addition to open meeting notices and agendas such as minutes and other documents posted after a meeting takes place.

Bonnijo Kitchin responded that only agendas and minutes are required.

Nick Wheeler commented that online publication is done as a transparency measure by the city but is not a requirement. The archiving of hard copies by the city clerk's office is where it is required.

Nick Wheeler recommended the city website should be primary posting place instead of the bulletin board in the charter. The bulletin board has not been accessible in recent months because of the COVID pandemic. The charter should be amended to reflect the city's practices of posting the information to the city's website.

Christian Scorzoni asked if records were given to the library as prescribed in the charter.

Bonnijo Kitchin said these documents used to be provided to the library but that this may not actually be done anymore with notifications being on the website.

Christian Scorzoni asked about the requirement to publish information in city newspapers.

Bonnijo Kitchin responded that this is only required for specific pieces of information such as public hearings and the annual budget. The rules for public hearing notices to be published in the newspaper may be city council rules and not specifically required by the charter.

Christian Scorzoni recommended flagging parts of the charter that should be revised for publication of electronic information.

Bonnijo Kitchin said the charter should still dictate that hard copies of the documents should still be kept with the city clerk's office in addition to electronic posting.

Peter Frey suggested looking at comparable charters such as Newburyport for language to use in these sections.

Nick Wheeler responded that this could be asked of the Collins Center at a future meeting to provide locations and recommendations for this topic.

Nick Wheeler proposed adjusting the gender pronoun recommendation from the Collins Center report. This will be included on the next summary to be voted on at the next meeting.

Nick Wheeler suggested leaving the order of legislative vs executive sections as it is. If there is nothing wrong with this specifically, it probably does not need to be fixed.

Bonnijo Kitchin mentioned this was done with intent to have a strong executive when the charter was first created.

The commission verbally agreed to passing on any change to this order.

Nick Wheeler moved on to the recommendation for section 2-2 being confusing in its wording. This was not addressed previously because of the concern that adjusting the wording could have policy impacts.

Jonathan Sherwood expressed that he thought this section was odd and why it was there to grant the mayor the power to hire a staff.

Paul Fahey mentioned that this was historically done to make it clear that the mayor would need staff to assist in their duties.

Christian Scorzoni recommended dropping the last sentence or separating it from the rest of section 2-2.

Paul Fahey commented that this section was a bit weak in establishing executive powers and that this language may have been included because there was not much described in this section. Perhaps the Collins Center could be consulted about better defining the powers of the mayor.

Nick Wheeler referenced Newburyport's charter and how the section detailing executive powers was about three times as long as the section in Amesbury's charter.

Nick Wheeler pointed out that moving the last sentence into the section of 2-3 might have an unintended consequence of mayoral staff appointments needing to be approved by the city council. Tabled section 2-2 to get further guidance regarding executive powers, enhancing the language, and making the section more substantive.

Christian Scorzoni asked where in Newburyport's charter it stated that the mayor would chair the school committee.

Peter Frey stated that this in section 4-2 of Newburyport's charter and is not described in the executive/mayoral section.

Jonathan Sherwood pointed out section 4-1 of Newburyport's charter defines the composition of the school committee including the mayor as the seventh member.

Nick Wheeler continued the discussion with changing head librarian to library director and the term candidates needs to be further clarified.

Paul Fahey summarized that this simply needs to have the language changed to reflect the correct title. There were no objections from the commission to including this change on the next chair's report.

Christian Scorzoni asked if the commission is keeping a running redlined document of the changes that are being approved.

Peter Frey volunteered to edit and maintain the document with changes once a word copy is available.

Peter Frey suggested library director candidates could be changed to candidate(s).

Nick Wheeler mentioned that it could be done this way or spelled out as "candidate or candidates" but should be in line with legislative drafting language.

Paul Fahey recommended examining this further from the intent of the process for picking the library director.

Nick Wheeler pointed out this relates to the point from the Collins Center that board of library trustees, housing authority, and planning board are appointed and not elected.

Bonnijo Kitchin recommends appointing housing authority versus electing to meet state requirements. There are never enough candidates in the election anyways. Where the housing authority is governed by state laws for cities, it may not even need to be included in the charter other than to say it is appointed.

Paul Fahey pointed out that the structure dictates that only two seats on the housing authority may be possible for mayoral appointment, while the others are prescribed to be appointed by other entities.

Nick Wheeler asked for any opposition from the commission to making this change for the boards to be appointed and not elected.

Jonathan Sherwood suggested that the housing authority topic be separated from the other two boards.

Paul Fahey suggested this question is more than a simple technical change and rises to the level of getting public feedback on.

Nick Wheeler agreed that this makes sense to use the number of meetings left to have a bigger discussion on this topic.

Peter Frey brought up again it might be helpful to look at recent elections and how many times these boards had more candidates than the number of open positions. This could help to support a decision on this topic of appointments rather than elections.

Paul Fahey responded that anecdotally, the competition for lower ballot races in recent years is nonexistent. This could be quantified by Collins Center but there may not be much value there.

Rob Chamberlain suggested we get more public comment on issues such as this but the message from the Collins Center was that the housing authority should not be kept as elected.

Nick Wheeler reminded that the proposed changes from the charter would be grouped into categories of grammatical or straightforward changes and major policy adjustments that warrant feedback from a public forum.

Peter Frey suggested determining a timeline for a public survey or forum to make sure that there was enough time to consider this feedback.

Nick Wheeler commented that he had hoped to have another meeting with Marilyn and the Collins Center to discuss Part 8 – Citizen Participation Mechanisms and then it may make sense to have a public survey or forum after that. The format would be determined based on the city's COVID reopening plans.

Paul Fahey mentioned that the communications director could be involved with the format for getting public feedback. Providing a channel for people to provide comments on major topics could be sufficient.

Nick Wheeler mentioned a public survey put together by the open space committee could be used as an example. Depending on the time available to get feedback, a survey monkey format may work.

Paul Fahey suggested a small group could brainstorm offline the policy topics and bring this back to the commission before publicizing this.

Peter Frey mentioned that Newburyport's charter review commission sent a survey out with the annual census, but the timing would not work for the commission to get feedback.

Nick Wheeler proceeded with discussion about recommendations for section 2-5 regarding confusing wording and proposed alternatives. This does not seem like a policy shift and proposed making the change as suggested.

Christian Scorzoni asked to revisit section 2-4 regarding the 21-day timeline for the mayor to file appointments with the clerk.

Nick Wheeler responded that he had not seen an appointment go before the council that was contentious. If an appointment does get filed the day after a council meeting, it would become official prior to the next city council meeting.

Jonathan Sherwood mentioned that it is the responsibility of the city council president to call a special meeting if necessary to approve or reject mayoral appointments within the specified timeline. This was designated as an unlikely to be used option, but it is there as a check if necessary.

Bonnijo Kitchin explained that the timeline was changed from 15 to 21 days during the last charter review meeting because the agenda for each council meeting is set 10 days prior to the meeting.

Christian Scorzoni thanked Bonnijo for the context but also mentioned he found it inefficient that the council spent a lot of time having each candidate speak and take questions prior to a vote.

Nick Wheeler referred to Newburyport's charter for requirements for the city council confirmation procedure involves review by a standing committee to make a recommendation to the larger council. The council then has a 45-day review period.

Peter Frey also pointed out that Newburyport also has the ability for an appointment to take effect sooner if acted upon.

Nick Wheeler suggested Amesbury's charter sections that address this topic could be brought into agreement so that appointments can take effect sooner if they are acted upon.

Christian Scorzoni discussed that candidates may not need to come before the council unless there was some sort of objection.

Bonnijo Kitchin explained that this is a requirement from the rules of the city council that started in the last 6 years. Prior to that, the council was just approving appointments based on candidate names. The council added the rules to get to know candidates better before voting.

Jonathan Sherwood asked if this would connect to the topic of changing boards from elected to appointed. It might be worth considering making a change to section 2-4 so there is more balance for council to approve or reject mayoral appointments. This would give the council more time for meaningful consideration with expanded mayoral appointments.

Bonnijo Kitchin suggested this get reviewed after taking public comment.

Nick Wheeler expressed concern this could create situations where vacancies exist for 2-3 months. The temporary appointments section of the charter gives the mayor the ability to fill a vacancy until the council acts on the appointment.

Christian Scorzoni agreed to take an action to draft a reword of this section for proposal to the commission.

Peter Frey pointed out that section 2-4 refers to the "Amesbury Home Rule Charter" and that this should be changed to align with the naming changes made on the previous vote.

Nick Wheeler revisited section 2-5 and asked for any other alternatives to adopting the recommended change. There were no objections to including this in the next vote.

Nick Wheeler discussed Section 2-6 – clarifying the temporary appointments section. This is not something that gets used often.

Peter Frey mentioned the use of this mechanism may increase if the review period for the council is increased.

Rob Chamberlain asked of intent for this section to cover volunteer appointments or city employees and department heads.

Paul Fahey mentioned that there probably are not situations where 4-month temporary appointments are made to boards or commissions.

Christian Scorzoni asked if the mayor can make this temporary appointment for the superintendent. This would be handled by the school committee.

Peter Frey stated that there are two questions needing to be addressed. The first is that language is added for the council to not be able to reject the appointment and the second clarifying whether the cap is for the individual or the position in general.

Nick Wheeler cross referenced with Newburyport's charter and this language is not included for the council to reject the appointment. This probably does not need to be specifically included.

Peter Frey said that if temporary appointments are seldom used, then there may not be a change needed to adjust the maximum.

Rob Chamberlain suggested that it depends on the intent but perhaps it could simply be changed to an eight-month limit.

Nick Wheeler asked if this should be added for further clarification from the Collins Center. Salaried vs non-salaried positions should be clarified as to types of employees that are eligible for temporary appointments. What situations require city council involvement with removal and approval of appointments.

Jonathan Sherwood mentioned that it is helpful to consider what problems or situations is each section of the charter trying to address. This could help provide context for what the intent is.

Nick Wheeler said there are several positions such as the CFO, the city clerk, and the city's legal counsel where the council votes or should have review votes. Department heads such as police chief or fire chief do not come up for recurring term votes and are typically there until they retire.

Rob Chamberlain clarified that 6 votes on the city council are needed regardless of how many members are present.

Nick Wheeler discussed Section 2-7 for special meetings. Under the current rule, there is language to provide notification to councilor's residence or place of business. This could be expanded to include electronic communication for quick notification to city council members.

Christian Scorzoni mentioned an incident involving this provision. The mayor's staff submitted notification via mail while simultaneously publishing to the media regarding a special meeting. There should be a very quick line of direct communication where the city clerk and city council president are notified immediately.

Peter Frey proposed asking for language recommendations from the Collins Center in line with other electronic publishing guidelines.

Rob Chamberlain asked if there should be specific clarification between special and emergency meetings and what necessitates a 48-hour notification.

Jonathan Sherwood referred to section 2-7(a) regarding the financial report and quarterly financial condition. These don't always meet the deadlines established by the charter.

Nick Wheeler stated that this has come up several times where the council or public has recognized that the annual report has not been submitted on time. It is not clear what recourse there is if the obligation is not met. The charter was changed from an 8 to 12-week requirement and supersedes a local ordinance that requires the document is published.

Christian Scorzoni asked which section do financial deliverables belong to? It would be best to unify these into a specific section. This should not use vague or broad language.

Paul Fahey mentioned that this ties back to the executive responsibilities and powers. It is included in the executive section of the charter in Newburyport. This could be an example of how to strengthen the executive section.

Peter Frey suggested the existing timelines are sufficient to provide structure to the process even if there is no recourse.

Nick Wheeler explained that the city staff presently makes a good effort to get items to the council in line with the charter's requirements.

Christian Scorzoni reiterated the importance of defining deliverables without broad language so there is not so much debate about what is being referred to in the charter.

Christian Scorzoni will write up specifically what we want to accomplish with financial deliverables and come up with a proposal for the next meeting. This can be used to also get feedback from the Collins Center.

Rob Chamberlain asked where the capital improvement plan is specified and asked what the recourse is if this is not done.

Nick Wheeler continued discussing section 2-8. The Collins Center report provided a suggestion for alternative language for items subject to approval or veto by the mayor. There was no opposition to adopting this change with the next report.

Nick Wheeler presented suggestions for language in section 2-10. This is a straightforward change to the language used as well.

Nick Wheeler proposed tabling further discussion for future meetings.

OTHER BUSINESS Paul Fahey mentioned the question of references to the city charter conflicting with city council rules. The intern looked at conflicts and found some items where the council discussed the charter, but it did not seem that there were any real conflicts in line with what the commission was looking for.

NEXT MEETING DATE Wednesday, August 12 at 7pm via GoToMeeting.

ADJOURNMENT Motion to adjourn by Jonathan Sherwood, seconded by Christian Scorzoni. 6 in favor, 1 absent. Meeting adjourned at 9:23 pm.

Respectfully prepared and submitted by Peter Frey, Secretary, Amesbury Charter Review Commission